

Notice of Allowability

Application No.

10/079,126

Examiner

Robert G. Santos

Applicant(s)

GANANCE, FRANCIS C.

Art Unit

3673

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the papers filed on 12 March 2004 and telephonic interview held on 06 January 2004.
2. ☒ The allowed claim(s) is/are 24-26, 28-45, and 47-69, now renumbered as claims 1-44.
3. ☒ The drawings filed on 2/19/02 (Figs. 1-5, 8) & 3/12/04 (6, 7) are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

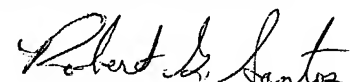
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Robert G. Santos
Primary Examiner
Art Unit: 3673

REASONS FOR ALLOWANCE

1. The following is an examiner's statement of reasons for allowance: The examiner respectfully agrees with Applicant's arguments on pages 14-16 of his amendment stating that none of the prior art, taken either singly or in combination, is seen to teach or suggest the use of a patient support siderail including a rail member and a rotatable linkage assembly having a longitudinal axis deviating from being perpendicular to and deviating from being parallel with the longitudinal axis of the rail member *at all times* during movement of the rail member from the raised position to the lowered position as presently recited in independent claim 24 (and as previously discussed in the telephonic interview conducted on January 6, 2004); further wherein the axis of rotation of the linkage assembly defines a plane that is *parallel* to the longitudinal axis of the rail member as currently recited in independent claim 31; wherein the linkage assembly is configured to move the rail member in a first longitudinal direction during *all* downward movement of the rail member from the raised position to the lowered position and movement of the rail member *changes a distance between the rail member and the mattress* as recited in independent claim 38; further wherein the rail member is situated *outside a footprint of the patient support frame* when placed in the lowered position as specifically recited in independent claim 50; wherein the coupler includes the specific structure of a 4-bar linkage assembly as particularly recited in independent claims 55 and 64; further wherein the axis of rotation of the linkage assembly defines a plane that is *parallel* to a plane defined by a side of the patient support as currently recited in independent claim 60; and wherein the axis of rotation of the linkage assembly *does not include a sideways component* as specifically recited in

independent claim 65. Since claims 32, 35, 40, 42-45, 54, and 56 (which were indicated in the previous Office action filed December 9, 2003 as containing allowable subject matter) have been rewritten in independent form and an updated search of the prior art yielded no other references pertinent to Applicant's claims, it is considered that the application is currently in full and proper condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert G. Santos whose telephone number is (703) 308-7469. The examiner can normally be reached on Tu-Fr and first Mondays, 10:30 a.m. to 8:00 p.m..

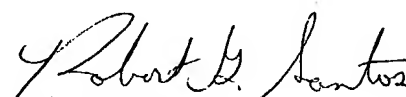
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather C. Shackelford can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Robert G. Santos

Primary Examiner

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R.S.

April 1, 2004